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DADE COUNTY COMMISSION

REGULAR MEETING

APRIL 3, 2008

1 MR. BRANDON: I want to call the
2 meeting to order. Before we start the meeting,
3 we'll have our de facto chaplain, Commissioner
4 Deffenbaugh to lead us in the invocation and Pledge
5 of Allegiance, please.

6 (Thereupon, the invocation and
7 Pledge of Allegiance were given.)

8 MR. BRANDON: This is the regularly
9 scheduled meeting which takes place at the same time
10 on the first Thursday of every month. Proper notice
11 of the meeting was given to the legal organ of Dade
12 County and has been posted in the hallway of the
13 Administration Building. I'll call the roll and
14 have it recorded by the clerk. Mr. Lowery?

15 MR. LOWERY: Here.

16 MR. BRANDON: Ms. Moore?

17 MS. MOORE: Here.

18 MR. BRANDON: Mr. Young?

19 MR. YOUNG: Here.

20 MR. BRANDON: And the chair is present.
21 Mr. Pittman called earlier to say that he has an
22 emergency at work and would not be able to make the
23 meeting, so we'll give him an excused absence on
24 that one.

25 The reading of the minutes of the

1 March 2008 regular meeting will not be required
2 since all commissioners have been furnished copies
3 in advance. The minutes are public record and
4 available for review in the county executive's
5 office. The approval of the minutes is included in
6 the consent agenda along with a lot of other items.
7 At this time, I'll ask the county clerk to review
8 the items on the consent agenda, please.

9 MR. TOWNSEND: Approval of previous
10 meeting minutes; approval of board appointments
11 being George Reed to the Lookout Mountain Community
12 Services Board; also new employees for the month of
13 March; approval of invoices as presented; approval
14 of multi-jurisdictional solid waste management plan;
15 approval of 2008 budget amendment; approval of
16 audio/video equipment for the Dade County Extension
17 Agency; approval of lawn mower bid for the Parks and
18 Recreation Department, which is York Small Engine at
19 \$12,388.02; the approval of Morgan Keegan, the
20 County's investment banker, to bond any money to be
21 bonded for the City of Trenton and the court
22 facility; proclamation for Respect for Law Week May
23 12th through the 16th. That's all I have.

24 MR. BRANDON: Okay. Do I have a motion
25 that we accept the consent agenda as read?

1 MR. LOWERY: I make a motion we accept
2 the consent agenda as read.

3 MR. BRANDON: I have a motion. Do I
4 have a second?

5 MR. YOUNG: Second.

6 MR. BRANDON: I have a motion and a
7 second. I'll call the roll. Mr. Lowery?

8 MR. LOWERY: Yes.

9 MR. BRANDON: Mr. Young?

10 MR. YOUNG: Yes.

11 MR. BRANDON: Ms. Moore?

12 MS. MOORE: Yes.

13 MR. BRANDON: And the chair votes yes.
14 The consent agenda is passed.

15 Moving directly into appearances, we
16 will call the mayor of the City of Trenton, Mayor
17 Anthony Emanuel.

18 MR. EMANUEL: Good evening. Y'all are
19 much stronger than that, but I'm not going to have
20 you repeat it. Good evening. I've just driven from
21 Valdosta today, there and back. So I know you're
22 stronger than I am.

23 It is my privilege to stand here this
24 evening as the mayor of the City of Trenton and also
25 as a Dade Countian to present to you the calendar

1 year-to-date performance indicators for the City of
2 Trenton through March of 2008. Financially, the
3 City is in good stead. We've had revenue through
4 March of \$786,000. We've had total expenditures of
5 549,000, leaving a net income of \$237,000. That
6 includes 36,000 which is placed in a contingency
7 fund.

8 As we look at the various areas of the
9 City of Trenton, the first area we're concerned
10 about is quality of life and that involves the
11 Downtown Development Authority, the Promotion
12 Committee specifically, headed by Rex Harrison.
13 Family Fest 2008 is scheduled for April 18th through
14 April 20th, which is a Friday evening through Sunday
15 evening. It will begin with an all cowboy parade
16 Friday night. So all you cowboys mount up and join
17 us in the parade. Now, the parade will feature John
18 Wain. I'm told he's the world's most famous John
19 Wayne impersonator. We shall see.

20 Saturday's festivities gear up at
21 10:00 a.m. with activities for everyone and will
22 conclude with a concert by the Dismembered
23 Tennesseans, a nationally renowned vocal group at
24 8:00 p.m. Sunday's events will start at noon and
25 end at 6:00 p.m. with a day of gospel music and will

1 include a celebrity softball game starting at
2 2:00 p.m. and I know Ben Brandon, Lamar Lowery, all
3 those celebrities will want to join in this softball
4 game.

5 MR. BRANDON: I don't know, Mayor. The
6 last time I played, I think I hit you right in the
7 back with a ball.

8 MR. LOWERY: The County has beat the
9 City the last two years.

10 MR. EMANUEL: The County has beat the
11 City the last two years. Huh, it sounds like
12 there's a little challenge there. Put Family Fest
13 on your calendar. Come out and enjoy the fun, food
14 and the entertainment. It is an event that has
15 grown each year, largely due to the activity of the
16 Downtown Development Authority, Rex Harrison and his
17 group of volunteers.

18 You hear me talk about Rex a lot, but
19 he's a volunteer. We don't pay him a dime. He does
20 all of this free gratis and whether you agree with
21 him or not politically, you cannot disagree with the
22 involvement of the personal manhours that he has
23 spent, personal income that he has spent in making
24 Family Fest a success and it has grown each year.
25 It will continue to grow and it brings nothing but

1 positive statements about Dade County and the City
2 of Trenton.

3 The Design Committee, which is chaired
4 by Bob Dombrowski, the Town Creek Trail continues.
5 There is a new flagstone walk path. A bench has
6 been erected. The city entranceway signs which I've
7 been talking about now for two years and I'm really
8 bored with talking about it. It's time to get
9 something done. We are trying to do that. We have
10 designs that we are evaluating and we will have done
11 in weeks rather than in months.

12 Streetscape, we're all aware of the
13 grant that the City received. At least I hope
14 you're all aware of the quarter of a million dollar
15 grant that the City received from the DOT to begin
16 streetscape. As you've heard Peter Cervelli, the
17 Better Hometown Manager, state, this is a process.
18 This is the first step in that process. You cannot
19 look for any ground breaking to occur around the
20 courthouse probably for about two years and even
21 then, it will be about a six-year program of getting
22 everything done. But I can assure you, you will be
23 impressed as we change the face of the City of
24 Trenton, which is really the face of Dade County.
25 If you want to know what we're talking about, take

1 an hour out of your business time, drive over to
2 South Pittsburg and look at what their streetscape
3 program brought to that downtown area.

4 The Economic Restructuring Committee,
5 which is chaired by Alan Ward, continues to look at
6 senior citizens' housing and to recruit targeted
7 businesses to add appropriate diversity to downtown
8 Trenton and our business market.

9 And then the Organization Committee,
10 which is chaired by Janet York, continues to look at
11 developing nontax revenue sources and maintaining
12 the DDA web site.

13 The DDA, the Downtown Development
14 Authority, meetings are held the third Monday of
15 each month. You're welcome to join us. You do not
16 have to be a Trentonian. We welcome all Dade
17 Countians because the reality is all Trentonians are
18 Dade Countians. Thank you.

19 MR. BRANDON: Thank you, Mayor. Moving
20 on to fiscal matters, I will ask the clerk to read
21 the finance report, please.

22 MR. TOWNSEND: Under tab number one,
23 you see the drug education fund has a balance of
24 \$87,485; federal asset fund, \$10,870; special
25 sheriff's fund, 50,558; jail fund, 8,943; juvenile

1 services fund, \$11,887; victim assistance fund,
2 \$3,853; payroll account, 83,183; general fund
3 \$880,051. Principal and interest account, 855,146;
4 principal and interest CDs, 550,000; capital bond
5 funds, 629,807 and capital bond CDs, 300,432.

6 We have on page two you see for
7 certificates of deposits listed and then page three
8 are just the redeemed and renewed certificates.
9 Moving on to page five, you see the general fund
10 revenues by department level and general fund
11 balance sheet by department level.

12 For the month of March, as of
13 March 31st, we had received \$407,674.38, which
14 was -- we had budgeted \$422,040, so that is
15 \$14,365.62 less than what we had budgeted. That
16 does need to be a little bit of a concern because
17 last month, I believe that number was about 52 or
18 53,000. So for three months in a row now, we have
19 seen a shortage as far as revenues coming in. But
20 year-to-date, we have three million -- have
21 collected in revenues \$3,020,230.02. Again,
22 year-to-date budget 3,084,620, a shortage of
23 \$61,390.14. But overall we are at 34.5 percent in
24 collections for the year which is only attained at
25 25 percent. So we still are ahead even though we

1 are short. Now, that sounds very confusing, but
2 25 percent of the year is gone as of March 31st.
3 The only reason we're at 34 percent is because we
4 collected most of our taxes already at the beginning
5 of the year as we usually would.

6 Under expenses, it's a little bit
7 different picture though. We have 573,905 in
8 expenses for the month and budgeted was 677,000 and
9 some change, so there we're actually under budget
10 for the month 103,095. So revenues less expenses
11 for year-to-date is still 977,248 in the black.
12 We're not in the red. That's a good thing.

13 I just want to point out that we have
14 collected less revenues and primarily that is
15 because of the local option sales tax collection as
16 well as S.P.L.O.S.T, the loss is actually down as
17 well and something we just need to keep an eye on.

18 MR. BRANDON: This is not a problem
19 that's unique to us because even the governor has
20 been talking about how the tax collections and
21 specifically sales tax revenues are down for the
22 state and that's one of the reasons they're probably
23 still in session right now in Atlanta probably
24 discussing budget issues because of the disparity
25 between what they're forecasting on revenue and what

1 they're -- the expenses that they're trying to
2 allocate with that without having to dip into the
3 state's revenue, their fund balance or their
4 reserves. Thank you, Don.

5 MR. TOWNSEND: I've got one more
6 comment, if you don't mind. That is under the fire
7 departments, you see that we have a balance
8 remaining only in S.P.L.O.S.T funds toward the end
9 of your report there next to the last page of \$7,810
10 is all that is remaining in S.P.L.O.S.T as far as
11 the fire departments go. North Dade did use theirs
12 as well as South Dade. They still have one bill to
13 be paid and the remaining balance of that bill will
14 be paid out of their quarterly check. So just
15 that's to be paid any moment and then that will be
16 gone.

17 The last thing I want to point out in
18 that section is a page of -- I had an opportunity to
19 invest \$98,000 this past week at 3.98 percent. If
20 you've tried to invest any money, 3.98 percent is
21 pretty hard to come by anywhere in the United
22 States, much less Trenton or anywhere. This was
23 only for a -- it was under 90 days. In fact, we
24 would not have gained a lot of interest income, but
25 I think it would have amounted to about \$640 or so

1 whereas right now we're getting half a percent and
2 half a percent versus 3.98 is good. But in this
3 situation, you see the last comment says we only
4 have ten pieces, so let me know if you think this
5 would work. Well, the ten pieces were gone in about
6 four hours that day, so I -- it's up to y'all how
7 you want to proceed with things like this. I don't
8 really want to get too far out because if you get
9 too leveraged, it puts you in a situation that you
10 don't want to be in. However, I believe that at
11 times you could invest in things under 90 days, 30
12 days, 60 days, stuff like that. And if y'all want
13 to create a threshold, that's fine or we can have a
14 special-called meeting to approve such things, but
15 there are times that you can't have a special-called
16 meeting within 24 hours to get a deal like this and
17 these are all FDIC insured investments. We just
18 can't really go six months to a year with general
19 fund money because we know we're going to need those
20 moneys in the summer months as we really get short.

21 MR. BRANDON: We need to take a look
22 and see if our financial policies allow something
23 like that and then we'll try to come up with a
24 standard policy on doing that as long as it's
25 guaranteed and our cash flow permits it, if our

1 financial policies permit it.

2 Okay. Moving on to legal matters, I'll
3 ask the county attorney if we have any new legal
4 matters before the Commission?

5 MR. ROGERS: No, no new legal matters.
6 I did file an answer to the complaint that had been
7 filed by Christina Holmes last month on behalf of
8 the Board of Assessors in that matter. And the only
9 other item is the status of the agreement with
10 Lookout Mountain Community Services and the HUD
11 residential program there and I have spoken
12 yesterday with the attorney for Volunteers of
13 America and we, I think, have that worked out and
14 Tom Ford, who is the executive director of Lookout
15 Mountain Community Services and I are in discussions
16 about finalizing an intergovernmental agreement with
17 them and hope to have that possibly next Thursday,
18 but soon, over the next few days.

19 MR. BRANDON: So this would answer the
20 concerns they have about not owning the property?

21 MR. ROGERS: Yes, it will.

22 MR. BRANDON: Okay. Good. What Robin
23 is talking about is that about three years ago, I
24 believe, we decided to provide space for a group
25 home across from Head Start for some learning

1 disabled adults and we've been struggling since that
2 time trying to figure out how to do the -- how to
3 keep us legal on it, but still be able to provide
4 the property to them for them to build a home. It
5 costs us nothing except the opportunity cost of what
6 we would ordinarily have the land use for. So I
7 think it sounds like we may be nearing the end of
8 that journey and be able to wrap that up.

9 MR. ROGERS: That's correct.

10 MR. BRANDON: What's the -- on this
11 thing you're talking about on response to
12 Ms. Holmes, has Mr. Blevins refiled his complaint?

13 MR. ROGERS: No, but his was still
14 pending.

15 MR. BRANDON: Okay.

16 MR. ROGERS: It's still with the judge.

17 MR. BRANDON: Any idea when these are
18 going to be ruled on?

19 MR. ROGERS: No, I don't, although I
20 anticipate soon, but no, I don't.

21 MR. BRANDON: Okay. Thank you. Item
22 six, we have no unfinished business, no new business
23 added during the work session. So we have none.
24 That brings us to citizen participation. The chair
25 recognizes Mr. Ball.

1 MR. BALL: Gary Ball from West Brow. I
2 just wanted to thank Sarah for coming up the other
3 night. I think we all got educated. I think we all
4 know the answer to the questions and they can move
5 on with their fire hall in the manner they desire to
6 do that. But also she shared some other things with
7 us and the one thing that I wanted to comment again
8 on so it continues to be in the record because I was
9 here a number of months ago about Burkhalter Gap
10 Road and she had some preliminary stuff that she
11 showed us that somebody had done through somebody
12 here on the Commission, I think, getting somebody to
13 help do it, but that problem is going to take some,
14 I guess, leadership by not just the Commission, it
15 sounds like, state people. And so I just wanted to
16 encourage somebody up here to kind of take some
17 initiative on that because it needs to be worked on.

18 Like I said the last time and I'll say
19 it again, we're just waiting for the big lawsuit
20 that costs the County probably more money than it
21 will take to ultimately fix that road when somebody
22 finally drops off of it up there.

23 The other kind of aside to that is we
24 do all this bicycling and I don't know whether
25 anybody has been up there on the Georgia side of the

1 mountain to find some of the big wigs up there, but
2 that's -- that's their hooray is running those
3 bicycles up and down the backside of the mountain
4 and I would think that we could find somebody with
5 some political pull down in Atlanta that could maybe
6 encourage the State to be involved in it.

7 But also coupled with that, I talked to
8 Doug Anderton today and I still want to voice what I
9 told Sarah. I think it's dangerous business when
10 the County allows private utility companies to
11 operate and I asked Doug how that waterline got run
12 to those properties down on the side of the mountain
13 and Doug pretty much swore off of it and said
14 somebody over in this building gave the man the
15 right to run waterlines in the City right-of-way.

16 MS. MOORE: County.

17 MR. BALL: I'm sorry. The County
18 right-of-way. So in talking with Doug, I also
19 realized that coupled with Sarah's little study
20 there on Burkhalter Gap, there ought to be some
21 study and looking in to seeing if there is some way
22 to get a grant to take care of that waterline
23 because this work can't be done with that waterline
24 in there the way it is and what's going to happen is
25 if you go in there and start working and cut off the

1 guy's private utility, I don't know whether he can
2 sue the County for that or not because I don't know
3 who gave him permission to be in there in the first
4 place. But I will check with the State because Doug
5 said that there are some permitting requirements to
6 use the right-of-way State or County to do that kind
7 of work. I would venture to say -- do you know
8 whether they're down here, Ben?

9 MR. BRANDON: The permit for that? Oh,
10 I can guarantee you they are not because we've only
11 had -- and I'm breaking a rule here that we don't
12 get into discussion in citizen participation, but
13 I'll answer the question. We started three years
14 ago requiring permits of all the utilities, anyone
15 who wanted to install something on a County
16 right-of-way. To date, we probably have not gotten
17 a handful of permit requests from anybody. Now, I
18 may have to eat my words on that one, but have you
19 seen any in the last year and a half that you've
20 been here? So I'm pretty sure that we have had
21 right-of-way work going on or work going on on
22 County right-of-way since then. We don't get a lot
23 of cooperation on that, but it does clear us
24 legally.

25 MR. BALL: Right. I mean, that would

1 be something that looks like the county attorney
2 ought to be slamming some -- did y'all pass an
3 ordinance?

4 MR. BRANDON: Sure did.

5 MR. BALL: Well, you know, it looks
6 like somebody ought to be taking some people to task
7 over that. I asked Doug and he acted like there was
8 no fee. I know in Tennessee, cities and counties,
9 municipalities get revenue from that.

10 MR. BRANDON: We made it low enough so
11 it shouldn't be a very onerous requirement on
12 anybody. It just covers the costs of recording that
13 there is a power line or a phone line or a waterline
14 there and we don't seem to be able to get that,
15 so --

16 MR. BALL: Well --

17 MR. BRANDON: And to cover the labor to
18 go out and shoot where it is because we're right now
19 in the process of doing a county-wide information
20 system update trying to figure out where every asset
21 is in the county, where all the lines are. We know
22 where all of our stuff is, but we don't know where
23 anybody else's stuff is right now.

24 MR. BALL: And, again, if we're going
25 to grow and, you know -- maybe there are some people

1 that don't want the side of that mountain developed.
2 I don't know. But I do know and I'll say publicly
3 and, you know, maybe somebody will finally call me.
4 I do know it's wrong for somebody to sell other
5 people water and to have a monopoly on who can own
6 land on the side of Lookout Mountain and that's
7 what's going on up there and the County allowed it,
8 I guess. And I understand the road guy,
9 Mr. Massengale, I understand he actually cut that
10 waterline when he was up there putting that culvert
11 in and had to do some research to find out why it
12 was even in there.

13 So I just -- it just kind of makes me
14 wonder if we're really moving forward or exactly
15 what we're doing. I know a lot of people probably
16 don't agree with me getting up here saying this,
17 but, you know, right is right and wrong is wrong and
18 it appears to be long past the time to allow people
19 to do wrong and call it right in this county. So I
20 just -- I'll work with anybody that wants on
21 Burkhalter Gap, but we need to start getting some
22 kind of committee together and start putting
23 pressure on people. I'll be glad to do it. Thank
24 you.

25 MS. MOORE: David Young and I have

1 talked about that and David was the one responsible
2 for getting an engineer in there to --

3 MR. YOUNG: Some cost estimates on what
4 the engineering estimate would be to even look at
5 that.

6 MS. MOORE: And then we also talked
7 about taking a trip to Washington to see some of our
8 leaders there, to get help federally funding.

9 MR. BALL: Okay. Don't forget those
10 people up there on the mountain with all that money.

11 MR. BRANDON: Maybe we'll have enough
12 money when we get that extra mile down there on the
13 end.

14 Anyone else? Seeing no other hands and
15 there being no further business before the Dade
16 County Commission, I declare the meeting adjourned.
17 Thank you.

18
19 END OF MEETING
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REPORTER'S CERTIFICATE

STATE OF TENNESSEE)
)
COUNTY OF HAMILTON)

I, Erin M. Flatt, Court Reporter and
Notary Public, in and for Hamilton County and the
State of Tennessee at Large, do hereby certify that
I reported in machine shorthand the proceedings had
in the above-styled cause on the 3rd day of
April, 2008;

That the said proceedings were
reduced to typewriting under my personal supervision;
and that the foregoing is a transcript of said
proceedings.

This the 28th day of April, 2008.

Erin M. Flatt
Erin M. Flatt, Notary Public
in and for the State of
Tennessee at Large,
My commission expires
November 7, 2010

